

Notice of Allowability

Application No.

09/849,168

Examiner

Susanna M. Diaz

Applicant(s)

DELURGIO ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicant's RCE filed December 27, 2005.
2. ☒ The allowed claim(s) is/are 1,3-6,8-10 and 13-21.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date See attached
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Susanna M. Diaz
SUSANNA M. DIAZ
PRIMARY EXAMINER
AU 3623

3. IDSs dated 12/27/05; 1/10/06; two dated 4/3/06

Reasons for Allowance

1. Claims 1, 3-6, 8-10, and 13-21 are allowed.
2. The following is an examiner's statement of reasons for allowance:

The closest prior art of record is Ouimet (U.S. Patent 6,094,641) in view of Morgan (U.S. Patent 5,799,286). Ouimet teaches a computerized modeling system (apparatus, device, interface, computer-implemented method) to determine the optimum prices/ demand/ promotion for product(s). The pricing system comprises:

- a program (scenario/ result processor, apparatus, device) to enable the user to prescribe an optimization scenario and be presented with the determined optimum prices (column 3, line 44 through Column 4, line 23).
- a program (demand engine, controller) configured to model the relationships between prices and market demand/ sales (column 4, lines 35-44).
- a program (optimization engine, controller) to use the said demand engine and cost calculations to determine optimal prices/ promotions (column 3, lines 30-33 and column 4, lines 16-19). The system calculates the optimum prices/ promotions for a standard of merit, in this case profit (column 6, lines 2-5).

While Ouimet does not expressly teach the method of calculating costs via an activity-based costing model configured to estimate demand chain costs for products based on market demand, Morgan makes up for this deficiency in its disclosure of an automated activity-based management system designed to calculate the demand chain

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costs for products (column 20, lines 24-35). However, neither Ouimet nor Morgan teaches or suggests the combination of ***all of the recited details*** of a template controller, a plurality of new scenario templates, a category template, a command interpreter, a scenario controller, a demand engine, an activity based cost engine, and a price optimization engine all in one single, coordinated system. This combination of details is recited in claims 1, 3-6, 8-10, and 13-21, thereby rendering claims 1, 3-6, 8-10, and 13-21 allowable over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna M. Diaz whose telephone number is (571) 272-6733. The examiner can normally be reached on Monday-Friday, 10 am - 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Susanna M. Diaz
Primary Examiner
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April 10, 2006